

A RESOLUTION

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE**

**A RESOLUTION TO AMEND RESOLUTION 06-
R-1692 AUTHORIZING PAYMENT IN THE
AMOUNT OF \$3,719.62 IN SETTLEMENT OF
THE CLAIM OF LOUISE THOMAS AGAINST
THE CITY OF ATLANTA AND FOR OTHER
PURPOSES**

WHEREAS, on August 21, 2006 the City Council adopted Resolution 06-R-1692 authorizing the payment of \$3,719.62 in settlement of the claim of Louise Thomas against the City of Atlanta; and

WHEREAS, due to a clerical error the account number was incorrect and should have been 1A01/529017/T31001.

THEREFORE, BE IT RESOLVED that Resolution 06-R-1692 be hereby amended.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$3,719.62 be paid by the City of Atlanta in satisfaction of any and all claims LOUISE THOMAS may have stemming from damages sustained by her on or about December 2002, at 435 Peyton Road, SW.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01 (General Fund) 529017 (Property Liquidation) T31001 (Non-departmental).

Entered – 1-10-03 sb
CL 03L0039 - GWENDOLYN BURNS

CLAIM OF: **LOUISE THOMAS**
 435 Peyton Road, SW
 Atlanta, Georgia 30311

For property damages alleged to have been sustained from flooding due to a storm sewer overflow beginning in December 2002 at 435 Peyton Road, SW.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **LOUISE THOMAS** the sum of **\$3,719.62** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for property damages alleged to have been sustained from flooding due to a storm sewer overflow beginning in December 2002 at 435 Peyton Road, SW as is more particularly set forth in the within claim; said sum taken from and charged to account **1A01/529017/Q30001**.

APPROVED: **LINDA K. DISANTIS**
 CITY ATTORNEY

BY: _____
 JERRY L. DELOACH
 DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0039

Date: August 1, 2006

Claimant /Victim LOUISE THOMAS
BY: (Atty) (Ins. Co.) _____
Address: 435 Peyton Road, SW, Atlanta, Georgia 30311
Subrogation: Claim for Property damage \$ 10,000.00 Bodily Injury \$ _____
Date of Notice: 6/9/03 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence December 2002 - continuously Place: 435 Peyton Road, SW
Department WATERSHED MANAGEMENT Division: Wastewater Treatment & Collections
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that she sustained property damages from flooding due to storm sewer overflow. An investigation determined that the City was on notice of a storm sewer problem at this location prior to the incident date but never resolve it.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement X
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 3,719.62 Adverse _____ Account charged: 1A01 X 2J01 _____ 2P01 _____ 2H01 _____
Claims Manager: _____ Concur/date _____
Committee Action: _____ Council Action _____

COUNCIL of the CITY OF ATLANTA
CLERK OF COUNCIL
68 Mitchell Street, SW
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

DATE: 12-31-2002
ENTERED - 1-10-03 - SB
03L0039 - ~~PAYE FIRST~~ CB

Dear Sir:

This is to notify the City of Atlanta that I have suffered damages in the sum of \$ 10,000.00 property and/or \$ N/A bodily injury for which I contend the City is liable.

1. Date of accident: _____ 2. Police called: _____
(yes) (no)
3. Location of accident: _____
4. Name of your insurance company: _____
5. State how accident occurred: _____

6. If a vehicular accident, complete the following and attach two (2) estimates of repair. ALL ESTIMATES AND VEHICLE DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE STATEMENTS WILL RESULT IN YOUR CLAIMS BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION! The registered owner must make the claim for vehicle damages.
7. Your vehicle: _____
(make) (year) (tag#) (driver's name)
8. City vehicle: _____
(make) (year) (tag#) (drivers name)
9. Witness: _____
(name) (phone) (address)
10. The knowledge of this claim in no way waives the Governmental Immunity of the City of Atlanta, as granted by State Law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

I HEREBY CERTIFY THE ABOVE INFORMATION IS TRUE AND CORRECT.

11. THIS CLAIM SHOULD BE
MAILED IMMEDIATELY TO
THE ADDRESS SHOWN ABOVE

Louise Thomas
(Claimant)
435 Peyton Rd. S.W.
(address)
Atlanta, Georgia 30311
(City) (State) (Zip)
404-758-2159 N/A
(home) (phone) (work)

1

435 Peyton Rd. S.W.
Atlanta, Ga. 30311

Dear Sir or Madam:

I've suffered so over the years with water coming in my basement. If you read the letter #1 first, you will see how I have suffered.

As you noticed Mr. Rees Griffin did his best to assist or address the problem. While he had the City to come out and put in the spit sewer for me, he had no control over the way the men ^{#1} graded the land (soil) slopping down toward my property. So as a result every time there is a hard rain it flows right over on me, washing a way top soil and rolling right around and running in my basement door. This occurred last Monday (22) when it rained so hard.

Over the years I lost furniture + rugs, etc. not to mention I went to the expense of putting in a B-Dry system trying to help me control the water. Not knowing ~~it~~ wasn't my problem, but where the city had failed to put a pipe to spit the water from the basin.

So enclosed are some of the expenses I encountered over the years trying

to get an answer to my Wet basement floor. Even after the put the sewer in the water kept coming, just not as bad, so I bought materials and paid them hoping I had the problem under control, but last week proved otherwise for once again I was mopping up water. Being a senior citizen its so hard on me now. Please I need help, all I want is for the City to reimburse me ^{for} the expenses I've encountered over the years and to please finish the existing problem.

Thanking You in Advance
Louise Thomas
Louise Thomas
12-31-2002

**MUNICIPAL CLERK
ATLANTA, GEORGIA**

06-R-1692

A RESOLUTION

BY: PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **LOUISE THOMAS** the sum of **\$3,719.62** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for property damages alleged to have been sustained from flooding due to a storm sewer overflow beginning in December 2002 at 435 Peyton Road, SW as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/Q30001.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk

ADOPTED by the City Council
APPROVED by the Mayor

August 21, 2006
August 29, 2006